

SENATE BILL 631

J1, J2

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By: **Senator Conway**

Introduced and read first time: February 5, 2010

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Dental Examiners – Materials Containing Mercury**

3 FOR the purpose of requiring dentists to ask patients, prior to performing any dental
4 procedures or treatments that include the use of dental materials containing
5 mercury, if the patient has a known allergy to mercury; requiring dentists to
6 adhere to certain Federal Drug Administration guidance; and generally relating
7 to dentists asking patients about known allergies to mercury and the Federal
8 Drug Administration guidance on dental materials containing mercury.

9 BY adding to
10 Article – Health Occupations
11 Section 4–506.1
12 Annotated Code of Maryland
13 (2009 Replacement Volume)

14 Preamble

15 WHEREAS, In July 2009, the Food and Drug Administration (FDA) issued
16 guidance requiring the dental industry to address the issues of safety and
17 effectiveness for dental amalgam, mercury, and amalgam alloy; and

18 WHEREAS, The FDA guidance identified potential risks to health generally
19 associated with the use of dental amalgam devices; and

20 WHEREAS, The FDA guidance recommended labeling of dental amalgam,
21 mercury, and amalgam alloy devices to include information sufficient to inform dental
22 professionals of the proper use of the devices; and

23 WHEREAS, Mercury is a toxic metal and amalgam fillings are a combination of
24 mercury and other metals, which at certain levels have been linked to brain and
25 kidney damage; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 WHEREAS, According to the American Dental Association, about 30 percent of
2 fillings given to patients are mercury-filled; and

3 WHEREAS, The FDA guidance considers the fillings “moderate risk” devices
4 and will require details about the risks and benefits of the products and will require
5 warnings against the use in patients with mercury allergies or in poorly ventilated
6 areas; now, therefore,

7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
8 MARYLAND, That the Laws of Maryland read as follows:

9 **Article – Health Occupations**

10 **4–506.1.**

11 **(A) A DENTIST SHALL ASK A PATIENT, PRIOR TO PERFORMING ANY**
12 **DENTAL PROCEDURE OR TREATMENT THAT INCLUDES THE USE OF DENTAL**
13 **MATERIALS CONTAINING MERCURY, IF THE PATIENT HAS A KNOWN ALLERGY TO**
14 **MERCURY.**

15 **(B) A DENTIST SHALL ADHERE TO THE FEDERAL DRUG**
16 **ADMINISTRATION GUIDANCE ON DENTAL AMALGAM, MERCURY, AND AMALGAM**
17 **ALLOY, INCLUDING RECOMMENDATIONS ON LABELING.**

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2010.